

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MINERVA SURGICAL, INC.,

Plaintiff,

v.

HOLOGIC, INC., et al.,

Defendants.

Case No. [17-cv-02013-JD](#)

**SCHEDULING ORDER**

The Court sets the following case management deadlines pursuant to Federal Rule of Civil Procedure 16, Civil Local Rule 16-10, and Patent Local Rules 3 and 4. The parties are directed to review and comply with the Court's Standing Order for Civil Cases, Standing Order for Patent Cases, Standing Order for Discovery in Civil Cases, and Standing Order for Civil Trials. If a party contemplates filing a 35 U.S.C. § 101 invalidity motion (an "*Alice*" motion), it should do so at the earliest practicable time. The Court sets these deadlines:

Event	Deadline
Disclosure of Asserted Claims and Infringement Contentions	September 22, 2017
Add parties or amend pleadings	October 13, 2017
Invalidity Contentions & Document Production Accompanying Invalidity Contentions (Patent L.R. 3-3 and 3-4)	November 3, 2017
Exchange of Proposed Terms for Construction (Patent L.R. 4-1)	November 17, 2017
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (Patent L.R. 4-2)	December 8, 2017
Damages Contentions (Patent L.R. 3-8)	December 22, 2017

Event	Deadline
Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3)	January 19, 2018
Responsive Damages Contentions (Patent L.R. 3-9)	February 9, 2018
Claim Construction Discovery Cut-off (Patent L.R. 4-4)	February 16, 2018
Opening Claim Construction Brief (Patent L.R. 4-5(a))	March 2, 2018
Responsive Claim Construction Brief (Patent L.R. 4-5(b))	March 6, 2018
Reply Claim Construction Brief (Patent L.R. 4-5(c))	March 23, 2018
Written Technology Synopsis for Claim Construction Tutorial (Standing Order for Claim Construction in Patent Cases)	April 6, 2018
Deadline to Complete Mediation	April 13, 2018
Claim Construction Tutorial (Standing Order for Claim Construction in Patent Cases)	April 19, 2018
Claim Construction Hearing (Patent L.R. 4-6; Standing Order for Claim Construction in Patent Cases)	April 26, 2018
Close of Fact Discovery	July 20, 2018
Opening Expert Reports	August 17, 2018
Responsive Expert Reports	September 14, 2018
Close of Expert Discovery	October 19, 2018
Last day to file dispositive/ <i>Daubert</i> motions	November 9, 2018
Pretrial Conference (Standing Order for Civil Trials)	February 7, 2019 at 1:30 p.m.
Jury Trial	March 18, 2019 at 9:00 a.m.

1 All dates set by the Court should be regarded as firm. Counsel may not modify these dates  
2 by stipulation without leave of court. Requests for continuances are disfavored, and scheduling  
3 conflicts that are created subsequent to the date of this order by any party, counsel or party-  
4 controlled expert or witness will not be considered good cause for a continuance. Sanctions may  
5 issue for a failure to follow a scheduling or other pretrial order. *See* Fed. R. Civ. P. 16(f)(1)(C).

6 **IT IS SO ORDERED.**

7 Dated: September 11, 2017

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JAMES DONATO  
United States District Judge